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LAWYERS

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13 Attorneys for USACM Liquidating Trust

14 **UNITED STATES BANKRUPTCY COURT
15 DISTRICT OF NEVADA**

16 In re:

17 USA COMMERCIAL MORTGAGE
18 COMPANY,

19 USA CAPITAL REALTY ADVISORS,
20 LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC, Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**STIPULATION RE WITHDRAWAL
OF PROOF OF CLAIM NO. 10725-
02474 FILED BY MIERAU LIVING
TRUST DTD 9/14/98**

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

The USACM Liquidating Trust (the "USACM Trust"), by and through its undersigned counsel, and Mierau Living Trust DTD 9/14/98 ("Claimant"), stipulate:

1. Claimant filed a Proof of Claim ("Claim") No. 10725-02474 on June 4, 2007, in the amount of \$679.74.

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1 2. On September 6, 2007, USACM Trust notified Claimant of discrepancies
 2 with respect to the Claim and gave Claimant the option to correct the discrepancies or
 3 withdraw the Claim.

4 3. Claimant notified the USACM Trust that Claimant wants to withdraw the
 5 proof of claim filed in this case.

6 Therefore, the parties stipulate and agree that Claimant withdraws proof of claim
 7 No. 10725-02474 filed on June 4, 2007, in the amount of \$679.74 and no further notice
 8 shall be given to Claimant. Claimant will receive no distribution from the USACM Trust
 9 on account of the Claim, but this does not affect any payments Claimant may be entitled to
 10 receive from the current or future servicing agent on pending Direct Lender loans from
 11 current or future Borrower loan payments.

12 DATED: *October 7, 2007*

13 LEWIS AND ROCA LLP

14 By: /s/ RC (#6593)

15 Susan M. Freeman, AZ 4199 (*pro hac vice*)

16 Rob Charles, NV 6593

17 *Counsel for USACM Liquidating Trust*

18 -and-

19 DATED: SEPT 20, 2007.

20 

21 Robert D. Mierau

22 Trustee for the Mierau Living

23 Trust DTD 9/14/98

24 P.O. Box 562

25 Glenbrook, Nevada 89413-0562

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DATED: SEPT 20, 2007.

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Sandra J. Mierau

Trustee for the Mierau Living

Trust DTD 9/14/98

P.O. Box 562

Glenbrook, Nevada 89413-0562